

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMINICK R. PILLA, ARCHITECTURE-
ENGINEERING P.C., *doing business as each of*
Dominic R. Pilla Associates, PC, DRPILLA
Associates, PC, DRPILLA Consulting Engineers,
and/or Dominick R. Pilla,

Plaintiff,

v.

ORLY GILAT *and* W 108 DEVELOPMENT
LLC,

Defendants.

No. 19-CV-2255 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On March 12, 2019, Dominick R. Pilla, Architecture-Engineering P.C. (“Plaintiff”) filed a Complaint against Orly Gilat and W 108 Development LLC (collectively, “Defendants”), (Dkt. No. 1), which was subsequently re-filed the next day due to filing issues, (Dkt. No. 7).

Following the Court’s March 19, 2020, opinion granting in part and denying in part Defendants’ Motion To Dismiss, (*see* Dkt. No. 36), and subsequent discovery, on June 11, 2021, Defendants filed a Motion for Summary Judgment on the claims that survived Defendants’ earlier Motion To Dismiss, (Dkt. No. 66).

In its Memorandum of Law Supporting the Motion for Summary Judgment, Defendants argue, in part, that the designs in question should not be afforded copyright protection because they were constrained by relevant codes promulgated by the New York City Landmark Preservation Committee. (*See* Defs.’s Mem. of Law Supp. Mot. for Sum. Judgment 6–11 (Dkt. No. 70); *see also* Defs.’s Reply Mem. of Law Supp. Mot. for Sum. Judgment 2–7 (Dkt. No. 81).)

Plaintiff disputes this. (*See* Pl.'s Mem of Law Opp. Mot. for Sum. Judgment 13–23 (Dkt. No. 76).)

The Court requests that the Parties each file a letter on the docket by Friday, January 7, 2022, with a detailed explanation as to which building codes, if any, obviate copyright protections for each aspect of the allegedly infringed upon designs, including but not limited to the core elements of the pre-existing floors, the front façade, the rear façade, and the addition of a sixth floor. The letters may not exceed 3 pages. Letters exceeding this limit or posted after January 7, 2022, will not be considered.

SO ORDERED.

Dated: December 20, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
United States District Judge